



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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February 21, 2014

Aerostar Apartments
c/o Zip Shearer
92 Chateau Royale Court
Morgantown, WV 26505

**RE: V14-12 thru V14-14 / Aerostar Apartments / 464 Inglewood Boulevard
Tax Map 11, Parcels 98 and 99**

Dear Mr. Shearer,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petitions relating to the proposed redevelopment of the former Kids Korner daycare at 464 Inglewood Boulevard into seven (7) one-bedroom multi-family dwellings. The decisions are as follows:

Board of Zoning Appeals, February 19, 2014:

V14-12 – Variance petitioner concerning “Accessible Parking”

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved variance relief to develop a standard accessible parking space rather than a van-accessible or universal-accessible parking space.

V14-13 – Variance petition concerning “Landscaping”

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved variance relief from the minimum landscape buffering and screening requirements with the following conditions:
 - a. That the area remaining between the petitioner’s proposed parking lot and the Inglewood Boulevard right-of-way must be landscaped with trees and shrubs as required under Article 1367.08, to the greatest extent practicable given utility and/or utility meter pit constraints.
 - b. That an opaque privacy fence six (6) feet in height must be constructed along the length of the parking area that abuts Parcel 100 of Tax Map 11.

V14-14 – Variance petition concerning “Sidewalks”

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved variance relief from developing a sidewalk along Ingelwood Boulevard frontage with the following condition:
 - a. That a sidewalk, no less than four (4) feet in width, must be constructed along the length of the subject site's Ingelwood Boulevard frontage.

These decisions may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

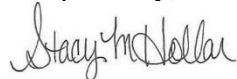
Please contact Amy Fairman, Permit Technician, to amend your building permit application to include site design and construction changes associated with conditions described above. Specifically, the building permit application must be amended to include the construction of the sidewalk, the fence, and the installation of the landscaping. Ms. Fairman's telephone number is 304-284-7441.

Prior to the installation of landscaping, a Landscape Plan must be submitted to this Office for review and approval that identifies the proposed landscape materials, sizes, and locations. Please advise your landscape design professional that the plan must meet the following minimum landscape requirements:

The buffer area shall contain at least one (1) two inch (2") caliper trees for every twenty (20) feet and at least three (3) shrubs of a least three (3) gallons in size clustered between each two (2) trees.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,



Stacy Hollar
Executive Secretary
Development Services Department
shollar@cityofmorgantownwv.gov

ADDENDUM A – Approved Findings of Fact

V14-12 Accessible Parking

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

The width of the site appears to limit the development of parking that meets minimum parking requirements and parking design standards for a van accessible or universal accessible parking space. However, variance relief granted herein to allow the development of a standard accessible space furthers the intent of ensuring accessible parking is developed.

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

It appears that older multi-family developments within the immediate area do not include standard, van, or universal accessible parking spaces. Variance relief granted herein to require a standard accessible parking space furthers the spirit and intent of ensuring the development of accessible parking.

Finding of Fact No. 3 – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The variance relief granted herein to allow the development of a standard accessible space reasonable furthers the spirit and intent of developing accessible parking and increasing the supply of accessible housing within the immediate area.

Finding of Fact No. 4 – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The nature of the variance relief granted herein cannot contribute to or mitigate existing traffic congestion. “Multi-family dwelling” uses are permitted by-right in the R-3 District. It appears that the predominant landuse and development pattern within the immediate area is multi-family housing. The proposed change in land use, regardless of the variance relief granted herein, should reduce trip generation to and from the petitioner’s site during AM and PM peak periods from the previous day care use.

V14-13 Landscaping

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

There appears to be limited space to provide requisite landscaping and meet minimum parking requirements and parking design standards. However, the variance relief granted herein will ensure that landscaping is provided across the site’s Inglewood Boulevard frontage that does not currently exist and ensure a vertical landscape is developed to preserve the enjoyment and quality of life of the adjoining residential property

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

There appears to be a number of older multi-family developments within the immediate area where landscape screening and buffer were not required prior to present related standards. However, variance relief granted herein and conditions improves the quality and care of development and futhers the spirit and intent of Article 1367.08.

Finding of Fact No. 3 – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The conditions included in the variance relief granted herein advances the quality and care of development and furthers the spirit and intent of Article 1367.08

Finding of Fact No. 4 – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The nature of the variance relief granted herein cannot mitigate or contribute to existing traffic congestions. Conditions included in the variance relief granted herein ensures the development of landscaping and hardscape fence, which should positively contribute to adjacent market values.

V14-14 Sidewalks

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

It appears that slope, utilities, and utility meters may obstruct the development of six foot sidewalks and requisite landscaping given minimum park space and design standards.

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Since the enactment in 2006 of mandatory sidewalks under the Planning and Zoning Code, four (4) foot sidewalks were constructed as a part of two (2) separate multi-family developments located on the same side of Inglewood boulevard on the subject site. Said sites are at the corners of Inglewood Boulevard and St. Mary and at the corner of Inglewood Boulevard and East Coast Everly Street.

Finding of Fact No. 3 – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

The variance relief granted herein ensures sidewalk construction to further the development of pedestrian facilities as completed by other multi-family developments along Inglewood Boulevard. Thereby promoting public safety and welfare and public improvements.

Finding of Fact No. 4 – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The nature of granting a two (2) foot sidewalk width variance cannot contribute to or mitigate existing traffic congestion. The construction of a four (4) foot sidewalk furthers pedestrian safety and preserves the value and enjoyment of neighboring properties.